

## REMARKS

Claims 1-45 remain pending in this application. By the non-final Office Action of October 6, 2006, claims 1-45 stand rejected. Applicant traverses the rejections as set forth below.

In view of the following remarks, Applicant requests reconsideration of this application.

### Response to Claim Rejections Under 35 U.S.C. § 102(3)

Claims 1-45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 09/993,992, Publication No. 2002/0072927, invented by Phelan et al. (hereinafter "Phelan"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Applicants' invention is generally directed to an entity records system for tracking information pertaining to a plurality of entities. The system can track information pertaining to dealers and centers affiliated with a central business concern, such as an equipment rental business. In a preferred embodiment, the records system provides contact information, as well as financial, legal and administrative information for the various centers and dealers. It can be used to track commissions earned by each entity, the gross revenues for each accounting period, and the commission earned for each accounting period, as well as commission payments made by the central business concern to each entity. It also can be used to track information regarding delinquent transactions for which each entity is responsible as well as an entity's negative payment history.

The system of Phelan serves a very different purpose than Applicants' invention. Specifically, Phelan discloses a system for pooling credit and business information. The system is used to provide a credit information service to member commercial lenders. The member lenders provide their experience regarding their customers' credit and business information. Anonymity is maintained so that an inquirer cannot identify the lender. Members are then charged for these inquiry transactions. In contrast to Applicants' invention, the system of Phelan does not track information pertaining to dealers and centers affiliated with a central business concern, nor does it track information relating to commissions earned by such entities and

payments of commissions made by the central business concern to those entities and delinquencies of the dealers and centers in paying the central business concern.

Applicants' claim 1 is directed to an entity records system for tracking information pertaining to a plurality of entities. The system includes an entity identification capture to record identification information for each entity. A revenue capture is in data communication with the entity identification capture to record revenue information for the entity. A delinquency data capture is in data communication with the entity identification capture to record account delinquency information for each entity. A negative payment history capture is in data communication with the entity identification capture to track the negative payment history for each entity.

In rejecting claim 1, the Examiner has referenced virtually all of the description section of Phelan without identifying a specific paragraph where the recited elements are disclosed. Applicants respectfully submit that, in doing so, the Examiner has failed to clearly point out how Phelan discloses or teaches all of the recited elements of claim 1. Applicants respectfully request that the Examiner do so to enable Applicants to provide a more specific reply.

In any event, based on Applicants' review of Phelan, Applicants respectfully submit that Phelan does not disclose or teach all of the recited elements of claim 1. For example, Phelan does not appear to disclose or teach "a revenue capture in data communication with the entity identification capture to record revenue information for the entity" as recited in claim 1. Applicants have searched the entire Phelan specification, and the only references to "revenue" appear to refer to revenue generated by the operator of the Phelan system (see paragraph 0031). Applicants respectfully submit, therefore, that claim 1 is patentable over Phelan.

Claims 2-24 depend from and include all of the elements of claim 1. For at least the reasons set forth above with respect to claim 1, therefore, Applicants respectfully submit that claims 2-24 also are patentable over Phelan.

In addition, based on Applicants' review of Phelan, Applicants respectfully submit that Phelan does not teach or suggest any of the following recited features of Applicants' claims:

A system wherein "the entity identification capture identifies a district number, a marketing number and a route number for a specified entity" as recited in claim 3;

A system wherein “the entity identification capture identifies the business hours for a specified entity” as recited in claim 4;

A system wherein “the revenue capture comprises a prior month commission total” as recited in claim 5;

A system “wherein the revenue capture comprises a prior month gross revenue total” as recited in claim 6;

A system “wherein the revenue capture comprises a year to date commission total” as recited in claim 7;

A system “wherein the revenue capture comprises a year to date revenue total” as recited in claim 8;

A system “wherein the revenue capture identifies a commission payment by displaying a check number, a check date and a check amount corresponding to the commission payment” as recited in claim 9;

A system “wherein the delinquency data capture comprises a delinquency count” as recited in claim 10;

A system “wherein the delinquency data capture identifies an account delinquency by providing a delinquency date and a reason for the delinquency” as recited in claim 11;

A system “wherein the delinquency data capture identifies an adjustment in the delinquency count” as recited in claim 12;

A system “wherein the negative payment history capture comprises a bank returned check capture” as recited in claim 13;

A system “wherein the negative payment history capture comprises a company returned check capture” as recited in claim 14;

A system “wherein the negative payment history capture comprises a missing check capture” as recited in claim 15;

A system “wherein the negative payment history capture comprises a missing bank deposit capture” as recited in claim 16;

A system “wherein the negative payment history capture comprises a certified funds requirement indicator” as recited in claim 17;

A system “further comprising a commission schedule for a specified entity” as recited in claim 18;

A system “further comprising a commission check mailing address” as recited in claim 19;

A system “further comprising an owner identification feature” as recited in claim 20;

A system “further comprising a contract information capture” as recited in claim 21;

A system “wherein the contract information capture includes an addendum information capture” as recited in claim 22;

A system “further comprising a month to date adjustments capture” as recited in claim 23; and

A system “further comprising a year to date adjustments capture” as recited in claim 24.

Applicants’ claim 25 is directed to an entity records system for tracking information pertaining to a plurality of entities. The system includes an entity identification capture to record identification information for each entity. A revenue capture is in data communication with the entity identification capture to record revenue information for the entity.

For at least the reasons set forth above with respect to claim 1, Applicants respectfully submit that claim 25 also is patentable over Phelan.

Claims 26-33 depend from and include all of the elements of claim 25. For at least the reasons set forth above with respect to claim 25, therefore, Applicants respectfully submit that claims 26-33 are also patentable over Phelan.

In addition, based on Applicants’ review of Phelan, Applicants respectfully submit that Phelan does not teach or suggest any of the following recited features of Applicants’ claims:

A system “wherein the entity identification capture identifies a district number, a marketing number and a route number for a specified entity” as recited in claim 27;

A system “wherein the entity identification capture identifies the business hours for a specified entity” as recited in claim 28;

A system “wherein the revenue capture comprises a prior month commission total” as recited in claim 29;

A system “wherein the revenue capture comprises a prior month gross revenue total” as recited in claim 30;

A system “wherein the revenue capture comprises a year to date commission total” as recited in claim 31;

A system “wherein the revenue capture comprises a year to date revenue total” as recited in claim 32; and

A system “wherein the revenue capture identifies a commission payment by displaying a check number, a check date and a check amount corresponding to the commission payment” as recited in claim 33.

Applicants’ claim 34 is directed to an entity records system for tracking information pertaining to a plurality of entities. The system includes an entity identification capture to record identification information for each entity. A delinquency data capture is in data communication with the entity identification capture to record account delinquency information for each entity.

For at least the reasons set forth above with respect to claim 1, Applicants respectfully submit that claim 25 also is patentable over Phelan.

Claims 35-37 depend from and include all of the elements of claim 34. For at least the reasons set forth above with respect to claim 34, therefore, Applicants respectfully submit that claims 35-37 are also patentable over Phelan.

In addition, based on Applicants’ review of Phelan, Applicants respectfully submit that Phelan does not teach or suggest any of the following recited features of Applicants’ claims:

A system “wherein the delinquency data capture comprises a delinquency count” as recited in claim 35;

A system “wherein the delinquency data capture identifies an account delinquency by providing a delinquency date and a reason for the delinquency” as recited in claim 36; and

A system “wherein the delinquency data capture identifies an adjustment in the delinquency count” as recited in claim 37.

Applicants' claim 38 is directed to an entity records system for tracking information pertaining to a plurality of entities. The system includes an entity identification capture to record identification information for each entity. A negative payment history capture is in data communication with the entity identification capture to track the negative payment history for each entity.

For at least the reasons set forth above with respect to claim 1, Applicants respectfully submit that claim 38 also is patentable over Phelan.

Claims 39-43 depend from and include all of the elements of claim 38. For at least the reasons set forth above with respect to claim 38, therefore, Applicants respectfully submit that claims 39-43 also are patentable over Phelan.

In addition, based on Applicants' review of Phelan, Applicants respectfully submit that Phelan does not teach or suggest any of the following recited features of Applicants' claims:

A system "wherein the negative payment history capture comprises a bank returned check capture" as recited in claim 39;

A system "wherein the negative payment history capture comprises a company returned check capture" as recited in claim 40;

A system "wherein the negative payment history capture comprises a missing check capture" as recited in claim 41;

A system "wherein the negative payment history capture comprises a missing bank deposit capture" as recited in claim 42; and

A system "wherein the negative payment history capture comprises a certified funds requirement indicator" as recited in claim 43.

Applicants' claim 44 is directed to a method of tracking information pertaining to a plurality of entities. The method includes the steps of: storing and retrieving entity identification data; storing and retrieving revenue information pertaining to the entities; storing and retrieving delinquency data pertaining to the entities; and storing and retrieving negative payment history pertaining to the entities.

For at least the reasons set forth above with respect to claim 1, Applicants respectfully submit that claim 44 also is patentable over Phelan.

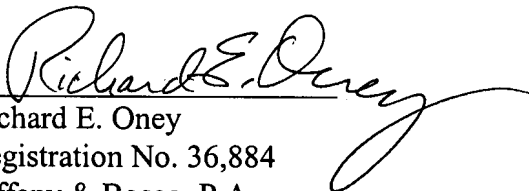
Claim 45 depends from and includes all of the elements of claim 44. For at least the reasons set forth above with respect to claim 44, therefore, Applicant respectfully submits that claim 45 also is patentable over Phelan.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete reply has been made to the outstanding Office Action, and that the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: April 5, 2007

Respectfully submitted,

  
Richard E. Oney  
Registration No. 36,884  
Tiffany & Bosco, P.A.  
2525 E. Camelback Road, Third Floor  
Phoenix, Arizona 85016  
Tel: (602) 255-6094

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. § 1.10

Express Mail Label No. **EB 068647597 US** Date of Deposit April 5, 2007

I hereby certify that this paper and all documents and any fee referred to herein are being deposited on the date indicated above with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, postage prepaid and addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Louis A. Loffredo, paralegal

4-5-07  
Date of Signature